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10 Attorneys for Knight Transportation, Inc., Knight  
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11  
12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

14  
15 CLYDE MONTERO, an individual, AMY  
MONTERO, an individual, J.V., an individual,  
I.V., an individual, and N.V., an individual,

16 Plaintiffs,

17 v.

18  
19 KNIGHT TRANSPORTATION, INC., an  
Arizona corporation, KNIGHT  
20 REFRIGERATED, LLC, an Arizona limited  
liability company, KNIGHT-SWIFT  
21 TRANSPORTATION HOLDINGS, INC., an  
Arizona corporation, KEVIN CORNISH, an  
individual, DOES I through XX, and ROE  
22 CORPORATIONS 1 through 100,

23 Defendants.

24  
25 Case No. 2:19-cv-02119-RFB-NJK

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27 **STIPULATION AND ORDER TO**  
**EXTEND DISCOVERY DEADLINES**  
**(FIRST REQUEST)**

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**STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**

**(FIRST REQUEST)**

Pursuant to LR 6-1 and LR 26-4, and for good cause shown, the parties, by and through their respective counsel of record hereby stipulate and agree to and jointly move this Honorable Court for an order to continue discovery by ninety (90) days as indicated below. This is the first stipulation for extension of time to complete discovery.

## A. DISCOVERY COMPLETED TO DATE

The parties have completed the following disclosures and discovery:

9       1. Defendants Knight Transportation, Inc. Knight Refrigerated, LLC and Kevin Cornish  
10 served their initial disclosures on January 31, 2020.

11       2. Defendants Knight Refrigerated, LLC and Kevin Cornish served their first  
12 supplemental disclosures on February 5, 2020.

3. Plaintiffs served their initial disclosure on February 14, 2020.

14 4. Defendants Knight Transportation, Inc. Knight Refrigerated, LLC and Kevin Cornish  
15 provided and requested the return of medical and employment authorizations for Plaintiffs Clyde  
16 Montero and Amy Montero on March 23, 2020.

17 5. Defendants Knight Transportation, Inc. Knight Refrigerated, LLC and Kevin Cornish  
18 provided and requested the return of medical authorizations for Plaintiffs J.V., I.V., and N.V on  
19 March 24, 2020.

## B. DISCOVERY REMAINING TO BE COMPLETED

1. Depositions of parties and/or witnesses;
2. Expert disclosures;
3. Depositions of treating physicians,
4. Expert depositions;
5. Written discovery;
6. Disclosure of additional documents;
7. Subpoena/Obtain additional documents as necessary;

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1           8.       The parties also anticipate that they may need to conduct other forms of discovery,  
2 though not specifically delineated herein, and anticipate doing so only on an as-needed basis.

3           **C. REASON FOR REQUEST FOR EXTENSION OF DISCOVERY DEADLINES**

4           A scheduling order can be modified "for good cause and with the judge's consent." FRCP  
5 16(b)(4). "A motion or stipulation to extend time must state the reasons for the extension requested  
6 and must inform the court of all previous extensions of the subject deadline the court granted." LR AI  
7 6-1 (a). "District courts should generally allow amendments of pre-trial orders when 'no substantial  
8 injury will be occasioned to the opposing party, the refusal to allow the amendment might result in  
9 injustice to the movant, and the inconvenience to the court is slight.'" *Campbell Industries v. M/V*  
10 *Gemini*, 619 F.2d 24, 27-28 (9th Cir. 1980) (*quoting Angle v. Sky Chef, Inc.*, 535 F.2d 492, 495 (9th  
11 Cir. 1976); *Sherman v. United States*, 462 F.2d 577, 579 (5th Cir. 1972)). Here, as discussed below,  
12 there is no dispute among the parties that an extension would cause any injury or injustice, and that a  
13 refusal of extension could prejudice the parties. Additionally, although there may be some  
14 inconvenience to the Court, no trial date is currently set and discovery is already ongoing. Therefore,  
15 the stipulated request for a modest extension should be granted.

16           In addition to the discovery that has already taken place as set forth above, the parties have  
17 diligently worked to continue to conduct discovery in an effort to complete the same and prepare for  
18 trial. Defendants are in the process of serving Plaintiffs with written discovery including numerous  
19 authorizations that have already been provided to Plaintiffs' counsel so they may obtain records of  
20 Plaintiffs' alleged damages and injuries. Further, the parties will need to be deposed. Such depositions  
21 include out of state travel. Specifically, Defendant Kevin Cornish and a representative of Defendant  
22 Knight Transportation, Inc. because both are out of state residents. Additionally, due to the current  
23 health crisis there will be substantial delays on proceeding with these out of state depositions and  
24 obtaining records due to numerous closures and limited work staff.

25           Further, Defendants will be gathering records from Plaintiffs' medical providers in order to  
26 prepare for her deposition, as well as to make determinations as to what experts may be needed,  
27 including potentially seeking an examination of Plaintiff. Defendant also intends to take the  
28 depositions Plaintiffs' treating and prior medical providers.

1 Both parties are still in the process of determining what experts they may need for trial. As the  
2 parties are continuing to seek information of the circumstances of the accident as well as the nature  
3 and extent of Plaintiffs' injury claims, they cannot currently make adequate evaluations of what  
4 experts may be needed. If discovery is not extended, they may have to retain and designate additional  
5 experts which, upon further ordinary discovery, could be rendered unnecessary. The parties would  
6 thereby be unnecessarily be burdened by costs and further expert discovery, which could complicate  
7 trial and alternative dispute resolution efforts.

8 In sum, the parties have diligently conducted discovery and are continuing to work  
9 cooperatively to complete the remaining discovery in order to prepare for trial. Good cause exists for  
10 modification of the current scheduling order to avoid prejudice to the parties.

11 **D. CURRENT SCHEDULE TO COMPLETE REMAINING DISCOVERY:**

12 Motions to Amend or Add Parties: 03/09/2020  
13 Initial Expert Disclosures: 04/08/2020  
14 Interim Status Report 04/08/2020  
15 Rebuttal Expert Disclosure: 05/08/2020  
16 Close of Discovery: 06/08/2020  
17 Dispositive Motion Deadline: 07/08/2020  
18 Joint Pre-Trial Order 08/06/2020

19 **E. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

20 Motions to Amend or Add Parties: 03/09/2020  
21 Initial Expert Disclosures: 07/07/2020  
22 Interim Status Report 07/07/2020  
23 Rebuttal Expert Disclosure: 08/06/2020  
24 Close of Discovery: 09/07/2020  
25 Dispositive Motion Deadline: 10/06/2020  
26 Joint Pre-Trial Order 11/04/2020

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**F. CURRENT TRIAL DATE:**

No trial is yet scheduled in this matter. A joint proposed pretrial order is due on August 6, 2020, or 30 days following this Court's ruling on any dispositive motions, if filed. The parties seek additional time so that the same proposed pretrial order is due November 4, 2020 or 30 days after this Court's ruling on dispositive motions.

**G. REQUEST NUMBER:**

This is the **first** request for an extension of time to complete discovery.

Wherefore, the parties respectfully request that the Court grant this request to extend the discovery deadlines as outlined above.

## IT IS SO AGREED.

DATED March 25, 2020

DATED MARCH 25, 2020

## LADAH LAW FIRM

## WOOD, SMITH, HENNING & BERMAN LLP

/s/Carl R. Houston

/s/ *Analise N.M. Tilton*

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*Attorneys for Defendants, Knight Transportation, Inc., Knight Refrigerated, LLC and Kevin Cornish*

Case Name: *Montero v. Knight Transportation, Inc., et al.*  
Case Number: 2-19-cv-02117-JAD-EJY

## ORDER

Pursuant to stipulation by the parties and for good cause shown, the deadlines and discovery schedule in this case are extended and continued as follows:

	Current Deadline	Proposed Deadline
Motions to Amend or Add Parties	03/09/2020	03/09/2020
Initial Expert Disclosures	04/08/2020	07/07/2020
Interim Status Report	04/08/2020	07/07/2020
Rebuttal Expert Disclosure	05/08/2020	08/06/2020
Close of Discovery	06/08/2020	09/07/2020
Dispositive Motion Deadline	07/07/2020	10/06/2020
Joint Pre-Trial Order	08/06/2020	11/04/2020

## IT IS SO ORDERED.

Dated: March 26, 2020.

## United States Magistrate Judge

Respectfully Submitted By:

/s/ *Analise N.M. Tilton*

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